

IN THE SENATE

SENATE BILL NO. 1356, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1309, IDAHO CODE, TO RE-
VISE PROVISIONS RELATING TO THE CORPORATE POWERS OF HIGHWAY DISTRICTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-1309, Idaho Code, be, and the same is hereby
amended to read as follows:

40-1309. CORPORATE POWERS OF HIGHWAY DISTRICTS. Each highway district
has power:

(1) To sue and be sued.

(2) To purchase and hold lands, make contracts, purchase and hold per-
sonal or real property as may be necessary or convenient for the purposes of
this chapter, and to sell and exchange any real or personal property other
than public lands which by the constitution and laws of the state are placed
under the jurisdiction of the state land board. Personal or real prop-
erty, no longer useful to the district, not exceeding five thousand dollars
(\$5,000) in value may be sold by the highway commissioners at a private sale
or at any regular board meeting without advertisement. Before disposing of
all other personal or real property exceeding five thousand dollars (\$5,000)
in value, the highway district commissioners shall first ~~adopt a resolution~~
~~finding that all other such personal or real property to be sold or exchanged~~
~~is no longer useful to the district; that~~ conduct a public hearing ~~is to be~~
~~held, of for which hearing~~ notice shall be published in accordance with the
provisions of section 40-206, Idaho Code, and at which hearing any person
interested may appear and show cause that such personal or real property
is still useful to the district and that the sale or exchange should not be
made. Following testimony by all interested persons at the public hearing,
the highway district commissioners may adopt a resolution finding that such
personal or real property is no longer useful to the district and finding
that such personal or real property should be sold or exchanged and estab-
lishing procedures for the sale of such personal or real property including,
but not limited to, the date and time of the sale and whether the sale will
be by live public auction, by receipt of sealed bids or by some other rea-
sonably commercial means. The hearing and sale or exchange shall not be
conducted at the same regular meeting and, except as otherwise provided by
law, the only notice required for such sale or exchange shall be as set forth
in section 67-2343, Idaho Code. Provided however, that before the district
disposes of surplus real property at public sale, the district shall first
notify any person who owns real property that is contiguous with the surplus
real property of the district that such person has first option to purchase
the surplus real property for an amount not less than the current appraised
value. If more than one (1) adjoining owner wants to purchase the surplus
real property, a private auction shall be held for such parties. If no owner

1 of adjoining property exercises his or her option to buy, the district may
2 proceed to public sale. Highway district commissioners, highway directors,
3 employees, and their families must be personally disinterested, directly or
4 indirectly, in the purchase of property for the use of the highway district,
5 or in the sale of any property belonging to the highway district, or in any
6 contract made by the highway district or other person on behalf of the high-
7 way district unless otherwise authorized by law.

8 (3) To levy and apply ad valorem taxes for purposes under its exclusive
9 jurisdiction as are authorized by law.